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BOISEY LEVERN NEAL
(Petitioner)

V.

STATE OF MARYLAND
(Respondent)

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IN THE
CIRCUIT COURT

FOR

ANNE ARUNDEL COUNTY

Case number: 02-K-07-001393

PETITION FOR POST CONVICTION RELIEF

Now comes the Petitioner Boisey L. Neal, Pro se, in proper person humbly and Respectfully Before this Honorable Court to add to the first supplement that was Previously filed in the above-captioned case by attorney for the Petitioner, Esq. D. Scott Whitney on June 5th, 2014.

SECOND SUPPLEMENT PETITON

The Petitioner Boisey L. Neal, did file a Pro se Petition for Post Conviction Relief on April 4th, 2014, to this Honorable Court. On May 20th, 2014, The Petitioner did receive this attach letter from the assigned attorney Esq. D. Scott Whitney stating that if the Petitioner fails to contain all of the allegations, that the Petitioner file a supplemental Petition with the Clerk of the Circuit Court, so the Petitioner asks this Honorable Court to add this second supplement to the above-captioned case for reasons of clarity of the Relief sought by the Petitioner that has been "**change**" by attorney for the Petitioner, Esq. D. Scott Whitney on June 5th, 2014. Esq. D. Scott Whitney, did supplement Petition as Order by the Honorable Judge Michele D. Jaklitsch on behave of the Petitioner to fulfill Errors of inaccuracy that were made when the Petitioner file his first Petition for Post Conviction Relief.

COPIES MAILED TO
SAO 6-17-14
ORD/DEF/ATTY 6-17-14

2014 JUN 16 A 11:04
CRIMINAL DEPARTMENT
FILED

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The Petitioner had no idea that Esq. D. Scott Whitney “**change**” the sought out Relief, until it was notice on June 10th, 2014, from the supplement Petition on page 3. Esq. D. Scott Whitney has ask this Honorable Court to seek specific performance of the Plea Agreement that the Petitioner receive a 5 year sentence for [Count six] handgun in the use of a crime violence and a 10 year sentence to run consecutive for the robbery with a Deadly weapon charge. *Id.* at p.583. The Petitioner would first like to bring it to this Honorable Court’s attention that the Petitioner’s charge was not robbery with a Deadly weapon as stated by Esq. D. Scott Whitney. The charge was and is [Count one] Armed Robbery. The Petitioner was already sentence **once** to a 10 year sentence for [Count six] in above-captioned case that was suspended to a 5 year sentence to Commence on June 14th, 2007. So therefore to sentence the Petitioner to a 10 year Sentence for [Count one] **again** would indeed be unwarranted and excessive because the Petitioner’s sentence for [Count Six] use of a handgun in a crime of violence is already a 10 year sentence suspended. With all do respect, the Honorable Judge William C. Milford did start [Count Six] on June 14th, 2007, and that sentence was Imposed **within the Plea Agreement of 10 years to 15 years** that was stated by the State’s Attorney if the Petitioner plead guilty to [Count one] Armed Robbery, and [Count six] in the use of a handgun in a crime of violence. The Petitioner’s issues is not [Count Six] but [Count one] that was imposed outside of the Plea Agreement of 10 years to 15 years. The Petitioner did already receive a 10 year sentence for [Count Six] that has been running since June 14th, 2007, and the Attorney Pete Terech did state that he would be asking for a flat sentence of 10 years within these same guidelines base off the sentencing transcript that Proves this statement.

It does not matter that [Count Six] was suspended down to a 5 year sentence, it is still 10 years and within the guidelines in Which the Petitioner did plead guilty to and has been serving since June 14th, 2007. It is [Count one] that breaches the plea agreement by 15 years when only 5 years could have been impose that would have kept the sentence within the Plea Agreement.

WHEREFORE, the Petitioner requests with all do respect that this Honorable Court please seek to follow the Petitioner's wishes of the following relief:

1. Order that a hearing be held where the Petitioner can stand before this Honorable Court and present proof of the aforesaid allegation;
2. That after a hearing on the merits, issue an Amended Commitment Order imposing a 10 year sentence suspended all but 5 years to begin as it was on June 14th, 2007, as [Count six] in the use of a handgun in a crime of violence Was imposed within the guidelines of the Plea Agreement.
3. Re-sentence the Petitioner at the breach of the Plea Agreement which was Count one of 20 years and that only a 5 year sentence is imposed to fulfill -- The Plea Agreement of 10 years to 15 years within the guidelines.
4. Grant the Petitioner such other relief as law and Justice may require.

CERTIFICATE OF SERVICE
Under Md. Rule 1-323

I, Boisey Levern Neal, HEREBY CERTIFY THAT on this 11, day of June 2014, a
Copy of the foregoing **Second Petition to Supplement Petition for Post Conviction**
Relief was mailed, postage prepaid, to the Clerk of the Circuit Court for Anne Arundel
County, to assigned attorney Esq. D. Scott Whitney, and to State's Attorney office.

Boisey L. Neal
Petitioner,
Boisey Neal 349-871
M.C.T.C.

18800 Roxbury Road
Hagerstown, Maryland 21746

LSH

MARTIN O'MALLEY
GOVERNOR

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CHIEF ATTORNEYINITIA LETTAU
DEPUTY CHIEF ATTORNEY

May 20, 2014

Boisey Levern Neal (#349-871)
 Maryland Correctional Training Center
 18800 Roxbury Road
 Hagerstown, MD 21746

RE: OPD ID: 14-0600889
Case Number: 02-K-07-001393

Dear Mr. Neal:

The Clerk of the Circuit Court for Anne Arundel County has notified me that you have filed a Petition for Post Conviction Relief. I am the attorney assigned to your case. I will enter my appearance once our office receives your completed forms, which are enclosed. If you do not desire representation from our office, please inform me immediately in writing.

As you may be aware, Maryland law guarantees you only one (1) post conviction bearing on your case. Therefore, it is important that you raise all of your concerns at your hearing. If your petition fails to contain all your allegations, you may wish to file a supplemental petition with the Clerk of the Circuit Court for Anne Arundel County. Be sure to forward a copy of the supplemental petition to the Office of the State's Attorney, and to my attention.

Once I receive your completed forms, I will obtain any necessary transcripts. Once I receive the transcripts, I will review them and then contact you regarding your case. I will provide you with more detailed information and advice at that time. I may also file further petitions prior to a hearing if I determine that any other valid post conviction issues exist in your case.

In all future letters to this office, please include the OPD # found at the top of this letter.

Sincerely,

Scott Whitney / ss
 D. Scott Whitney
 Assistant Public Defender
 (410) 412-7143

DSW/ss

Enclosures – Application & AFA

2014 JUN 16 A 11:00
 CRIMINAL DEPARTMENT
 FILED